

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

Suzette Almonte,

Debtor.

HEARING DATE: January 15, 2019
@ 3:00 p.m.

Bankruptcy Case No. 18-44779-nhl

**TRUSTEE'S MOTION FOR (1) DISMISSAL OF CHAPTER 7 CASE OR
(2) EXTENSION TO TIME TO OBJECT UNDER 11 U.S.C. §§ 707 (B), 727 AND 523**

ROBERT J. MUSSO (the "Trustee"), in the above captioned case, hereby moves, upon the affirmation of the Trustee annexed hereto, for an order dismissing this case or in the alternative, extending time to object to the discharge of the Debtor, and/or dischargeability of debts, and/or file a motion under 11 U.S.C. § 707(b), for the unexcused failure to appear on **November 26, 2018 and December 13, 2018** at the meeting of creditors mandated by 11 U.S.C. § 341(a). In the absence of the examination of the debtor, the Trustee is unable to effectively administer the case and determine whether to object to the discharge of the debtor.

Pursuant to 11 U.S.C. § 707(a) and Bankruptcy Rules 1017(e) and 4004(b) the Trustee has scheduled a hearing before the **Honorable Nancy Hershey Lord**, United States Bankruptcy Judge, on the 15th day of January, 2019 at 3:00 p.m. at the United States Bankruptcy Court, 271 Cadman Plaza East, Room 3577, Brooklyn, New York 11201, to consider the aforesaid motion.

Dated: Brooklyn, New York
December 17, 2018

Rosenberg, Musso & Weiner, LLP

By: _____ /s/
Robert J. Musso
Chapter 7 Trustee
26 Court Street, Ste.2211
Brooklyn, New York 11242

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re:

Chapter 7

Suzette Almonte,

Case No. 18-46148-nhl

Debtor.

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**AFFIRMATION IN SUPPORT OF MOTION TO (1) DISMISS CHAPTER
7 CASE, OR (2) EXEND TIME UNDER 11 U.S.C. §§ 707(B), 727 AND 523**

I, Robert J. Musso, having been appointed by the United States Trustee to serve as the trustee in the above-captioned case and affirm as follows:

1. This affirmation is made in support of a motion for an order pursuant to 11 U.S.C §707(a), dismissing this case for cause, or for an extension of time to object to the discharge of the debtor under 11 U.S.C. § 727(c), file a motion under 11 U.S.C. §707(b), or object to the dischargeability of debts under 11 U.S.C. § 523.

2. On October 26, 2018 the debtor commenced this case by filing a voluntary petition under Chapter 7.

3. The debtor failed to appear and submit to examination, as required by 11 U.S.C. § 343, at the meeting of creditors held pursuant to 11 U.S.C. § 341(a) scheduled on November 26, 2018 and December 13, 2018.

4. The foregoing conduct of the debtor constitutes cause to dismiss a Chapter 7 under 11 U.S.C. § 707(a).

5. In the event that the debtor appears at the hearing on this motion and request an opportunity to be examined by the trustee, the United States Trustee and creditors in this case will need a reasonable period following the examination of the debtor to determine whether cause exists to object to the discharge of the debtor under 11 U.S.C. § 727(c) and/or file a motion under 11 U.S.C. §707(b) and/or to object to the dischargeability of certain debts under 11 U.S.C. § 523.

Dated: Brooklyn, New York

December 17, 2018

Rosenberg, Musso & Weiner, LLP

By: /s/
Robert J. Musso
Chapter 7 Trustee
26 Court Street, Ste.2211
Brooklyn, New York 11242